

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 320 - HB 289

March 15, 2016

SUMMARY OF BILL: Terminates the Tennessee Medical Examiner Advisory Council. Currently, the Council is set to terminate on June 30, 2016. Makes various changes to the *Post-Mortem Examination Act*. Removes various requirements to become the chief medical examiner of the state. Removes requirement that the chief medical examiner be a physician trained in medicine and surgery and be a pathologist. Replaces county medical examiners with medicolegal death investigators. Defines “medicolegal death investigator” as a licensed emergency medical technician, paramedic, nurse, physician assistant, or person registered by or a diplomat of the American Board of Medicolegal Death Investigators.

Removes requirement that an appointment to a medicolegal death investigator be subject to confirmation from a county legislative body; rather, the county medical examiner shall be appointed by the mayor or county executive and be subject to the approval of the chief medical examiner. Authorizes a county mayor or county executive to replace any medicolegal death investigator unable to perform the duties of the office. Requires a county medical examiner, having been appointed by the respective county prior to January 1, 2017, to perform the duties of the medicolegal death investigator until the position expires or the county mayor appoints a medicolegal death investigator. A county coroner, meeting all qualifications of a medicolegal death investigator, shall become such county’s medicolegal death investigator. Authorizes a county medical examiner or a designated forensic pathologist to order or perform an autopsy on a person who died under suspicious, unusual or unnatural circumstances. Creates a Class E felony offense for anyone who violates guidelines for examining a person who died under suspicious, unusual or unnatural circumstances.

Requires county medical examiners and medicolegal death investigators to receive initial and recurring forensic medical education training from the chief medical examiner and to operate according to deadlines adopted by the chief medical examiner.

Establishes new guidelines regarding investigations of deaths under suspicious, unusual or unnatural circumstances. Delegates certain duties from county medical examiners to forensic pathologists and the chief medical examiner. Establishes guidelines for access to records of the Division of Post-Mortem Examination, county medical examiners, the chief medical examiner, and toxicology laboratory examinations, with regards to criminal proceedings. Requires the Commissioner of the Department of Health (DOH) to enter into an agreement with a procurement organization prior to making an anatomical gift.

Creates a Class A misdemeanor offense for a post-mortem official to contract with or grant authorization to an unauthorized person to photograph, videotape, or otherwise capture visual images or audio recordings of a deceased human body. Such offense is punishable by fine only,

unless the post-mortem official receives compensation or anything of value as an inducement to commit such violation, in which case the post-mortem official may be imprisoned. This act shall take effect on January 1, 2017.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Net Impact - \$224,000/FY16-17

**Net Impact - \$448,000/FY17-18 and Subsequent
Years**

The Governor's proposed budget for FY16-17, on page A-40, recognizes a recurring increase in state expenditures to the General Fund in the amount of \$527,800.

Assumptions:

- This proposed legislation largely shifts various responsibilities amongst various duties regarding post-mortem investigations.
- No significant impact on local government regarding current positions; however, this legislation transfers various duties among post-mortem officials, including the chief medical examiner of the DOH, county medical examiners and coroners, and the respective forensic pathologists employed by a facility accredited and entitled to perform autopsies.
- The chief medical examiner of the DOH will be required to provide initial and recurring forensic medical training to county medical examiners and medicolegal death investigators.
- Based on estimated provided by the DOH, there are approximately 333 county medical examiners and medicolegal death investigators which would be required to receive this training.
- Based on information provided by the DOH, it will cost approximately \$1,350 per person to provide forensic medical training.
- A recurring increase in state expenditures of \$449,550 (333 trainees x \$1,350).
- The Tennessee Medical Examiner Advisory Council will be terminated on June 30, 2016.
- The Council is comprised of 9 non-legislative members
- Pursuant to Tenn. Code Ann. § 38-7-201 (b), members are entitled to reimbursement for travel expenses incurred when in performance of official duties.
- Based on information provided by DOH, the average reimbursement provided to members for travel expenses is \$169 per meeting.
- An average of one Council meeting per year.
- A recurring decrease in state expenditures of \$1,521 (9 members x \$169).
- An effective date of January 1, 2017; therefore, a fiscal impact in FY16-17 equal to one-half year (0.50).

- A net increase in state expenditures in FY16-17 of \$224,015 $[(\$449,550 - \$1,521) \times 0.50]$.
- A net increase in state expenditures in FY17-18 of \$448,029 $(\$449,550 - \$1,521)$.
- The new Class E felony offense created by this Act will result in no significant increase in incarceration costs as it is assumed that this legislation largely leaves unchanged the current practices of post-mortem officials.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jdb